

interconnection between the pipeline systems of CGT and Tennessee. CGT asserts that as a result of existing operations of the pipeline systems and the existence of a similar emergency interconnection located in Rowan County, Kentucky, the facilities proposed for abandonment are no longer needed. CGT further asserts that the proposed abandonment will have no impact on any existing customer.

Any person desiring to be heard or to make protest with reference to said application should on or before January 2, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required therein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for CGT to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

*Acting Secretary.*

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[Project No. 2145-029 and Docket No. EL97-12-000]

**Public Utility District No. 1 of Chelan County, Washington; Notice of Petition for Declaratory Order or in the Alternative Application for Approval of Contracts for the Sale of Power for a Period Extending Beyond the Term of the License**

December 11, 1996.

On November 22, 1996, pursuant to Rule 207 of the Commission's regulations, 18 CFR 385.207, and Section 22 of the Federal Power Act, 16 U.S.C. 815, Public Utility District No. 1 of Chelan County, Washington (Chelan County PUD), petitioned for a declaratory order that the Commission had in 1968 implicitly approved power sales contracts for project power extending beyond the license term, or in the alternative requested that the Commission now approve these power sales contracts for approximately five years beyond 2006 expiration date of the license. The Rocky Reach Project No. 2145 is located on the Columbia River in Chelan and Douglas Counties, Washington.

Section 22 provides that contracts for the sale and delivery of power for periods extending beyond the termination date of a license may be entered into upon the joint approval of the Commission and the appropriate state public service Commission or other similar authority in the state in which the sale or delivery of power is made. Chelan County PUD states in its application that Commission approval of the Rocky Reach Project power sales contracts is in the public interest because the revenues from those contracts have been pledged to secure repayment of bonds that Chelan County PUD issued to finance construction of the Rocky Reach Project and that the contracts were essential to the development of the project.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Commission's Rules of practice and procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests and other comments, but only those who file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Comments, protests, or motions to intervene must be filed by [the 30th day following publication of this notice in the Federal Register]; must bear in all capital letters the title "COMMENTS," "PROTESTS," or "MOTION TO INTERVENE," as

applicable, and "Project No. 2145-029 and EL97-12-000." Send the filings (original and 14 copies) to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any filing must also be served upon each representative of the licensee specified in its application.

Linwood A. Watson, Jr.,

*Acting Secretary.*

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[Project No. 2596-003 and Docket No. D196-5-001]

**Rochester Gas & Electric Corp.; Notice of Availability of Navigability Report for the Genesee River, Request for Comments, and Notice of Pending Jurisdictional Inquiry**

December 11, 1996.

Rochester Gas & Electric Corp. (RG&E) filed an application for subsequent license to continue operation on its Station 160 Project. On February 20, 1996, RG&E filed a petition for Declaratory Order requesting that the Commission determine whether the project is subject to the Commission's licensing jurisdiction pursuant to Section 23(b)(1) of the Federal Power Act. (FPA).<sup>1</sup> The facility is located on the Genesee River, in Livingston County, New York.

As part of its review of RG&E's relicensing application, and the petition for Declaratory Order, staff is investigating the jurisdictional status of the project and has prepared a navigability report on the Genesee River.

Before making its decision, the staff will accept and consider comments on the navigability report. Comments may be filed no later than January 28, 1997.

**Jurisdiction:** Under Section 23(b)(1) of the FPA, a license is required for a hydroelectric project if it: (1) is located on navigable waters of the United States; (2) occupies lands or reservations of the United States; (3) uses surplus water on waterpower from a government dam; or (4) is located on a non-navigable Commerce Clause stream, affects the interests of interstate or foreign commerce, and has undergone construction or major modifications after August 26, 1935.<sup>2</sup>

Concurrent with the publication of this notice, all persons whose names appear on the official mailing list for Rochester Gas & Electric Corp.'s

<sup>1</sup> 16 USC 191a-825r.

<sup>2</sup> See *Farmington River Power Co. v. Federal Power Commission*, 455 F.2d 86 (2d Cir. 1972)